

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**FREDRICK ROBINSON**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:13-cv-00007-HTW-LRA**

**JACKSON STATE UNIVERSITY, DR. VIVIAN  
FULLER, INDIVIDUALLY, DR. CAROLYN  
MYERS, INDIVIDUALLY, AND JOHN DOES  
1-10**

**DEFENDANTS**

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR CURATIVE INSTRUCTION AND TO POLL THE JURY**

COME NOW, Defendants, Jackson State University ("Jackson State") and Dr. Vivian Fuller, collectively referred to as "Defendants", by and through their attorneys of record, and submit this *Response in Opposition to Plaintiff's Motion for Curative Instruction and to Poll the Jury*, as follows:

1. Without permission of the Court, Plaintiff filed his Motion for Curative Instruction and to Poll the Jury [Doc. 88] regarding a pending evidentiary issue that arose at trial in this matter on December 19, 2014.
2. As instructed by the Court, Defendants will submit their position and authorities on that issue via a Trial Brief that will be emailed to the Court today. Defendants' Trial Brief is incorporated herein by reference.
3. This Motion is opposed by Defendants and should be denied for the reasons set forth in Defendants' Trial Brief.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request the Court deny Plaintiff's Motion for Curative Instruction and to Poll the Jury.

Dated: December 21, 2014.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ LaToya C. Merritt  
LaToya C. Merritt, MB # 100054  
Jason T. Marsh, MB #102986  
4270 I-55 North  
Jackson, Mississippi 39211-6391  
Post Office Box 16114  
Jackson, Mississippi 39236-6114  
Telephone: 601-352-2300  
Telecopier: 601-360-9777  
Email: merrittl@phelps.com  
marshj@phelps.com

**ATTORNEYS FOR DEFENDANTS**

## **CERTIFICATE OF SERVICE**

I, LATOYA C. MERRITT, do hereby certify that on December 21, 2014 I electronically filed the above and foregoing *Response* with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following counsel of record:

Rogen K. Chhabra  
CHHABRA & GIBBS, P.A.  
120 North Congress Street, Suite 200  
Jackson MS 39201  
(601) 948-8005  
rchhabra@cglawms.com

Michael Saltaformaggio  
MAGGIO LAW GROUP, PLLC  
2628 Southerland Drive, Suite A  
Jackson MS 39216  
(769) 257-7594  
[maggiolawgroup@gmail.com](mailto:maggiolawgroup@gmail.com)

Jim Waide, Esq.  
Rachel Pierce Waide, Esq.  
WAIDE & ASSOCIATES, P.A.  
332 North Spring Street (38804)  
P.O. Box 1357  
(662) 842-7324 / Telephone  
(662) 842-8056 / Facsimile  
[waide@waidelaw.com](mailto:waide@waidelaw.com)  
[rpierce@waidelaw.com](mailto:rpierce@waidelaw.com)

### **ATTORNEYS FOR PLAINTIFF**

---

*/s/ LaToya C. Merritt*  
LATOYA C. MERRITT